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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,849	05/04/2001	Bernhard Klein	01740726	9828

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EXAMINER

PATEL, NITIN C

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,849

Applicant(s)

KLEIN, BERNHARD

Examiner

Nitin C. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

1. This is in responsive to pre-amendment filed on May 4, 2001.
2. Claims 1 – 16 are presented for the examination.

Specification

3. The abstract of the disclosure is objected to because the line 15 on page 13 is not required. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3 – 4, 8 – 9, 11, 12, and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Golding, US Patent 5,933,100.
6. As to claims 1, Golding discloses a navigation system with dynamic traffic data comprising:
 - a. a user [operator] I/O interface [keypad, microphone, display, are inherent to an automobile navigation system];
 - b. a means [10, navigation system uses Global positioning system (GPS)] for providing position information;
 - c. a means [13, route advisor] for determining route information [route plan] which receives a set of interval point [desired waypoints] requests [input] from a user [caller] and timing information [travel time] associated with corresponding interval point [street

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segment] request, and further wherein said route information is based on dynamic traffic condition [traffic and road condition data through traffic information interface] information received by system [col. 3, lines 16 – 63, col. 5, lines 5 – 28, col. 6, lines 49 – 64].

7. As to claims 9, Golding discloses a navigation system and method of operation with dynamic traffic data comprising:

- a. receiving information [navigation system receives input information] from a user [operator] I/O interface [keypad, microphone];
- b. generating [10, navigation system uses Global positioning system (GPS) to generate] current position information [to locate an automobile within the street system];
- c. determining [route advisor determines] at least one proposed route [alternative route] based on a set of interval point [street segment] requests from a user [operator] and timing information [travel time] associated with corresponding interval point [street segment] request;
- d. receiving [central database dynamically updating traffic data based upon information collected] dynamic traffic condition information [col. 5, lines 5 – 7]; and
- e. thereafter modifying [replan] a proposed route [alternative route] based on the dynamic traffic condition information [dynamic traffic data][col. 3, lines 16 – 63, col. 5, lines 5 – 58, col. 6, lines 39 – 64].

8. As to claims 3 – 4, and 11 – 12, Golding discloses the means [central database, and route advisor] for determining route information [col. 5, lines 5 – 16], to provide a plurality [variety] of proposed [acceptable alternatives] routes, and determining a failure to maintain a route schedule

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[time information threshold] and thereafter automatically replanning at least one route [col. 6, lines 36 - 64].

9. As to claims 7, and 15, Golding discloses the use of cellular telephone standard therefore he teaches to accept voice commands [col. 3, lines 39 – 40].

10. As to claims 8, and 16, Golding discloses a traffic interface to receive digital broadcast over radio side bands for use in calculating route information [col. 2, lines 3 – 14, col. 6, lines 36 - 47].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 2, 5 – 7, 10, and 13 - 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Golding, US Patent 5,933,100 as applied to claims 1, and 9 above, and further in view of Roeseler et al. [hereinafter as Roeseler], US Patent 6,317,684.

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14. As to claims 2, 5 – 7, and 13 – 15, Golding discloses an automobile navigation system that provides route planning with transition time between the segments using dynamically updated traffic data [travel information] with a user [operator] I/O interface [keypad, microphone, display, are inherent to an automobile navigation system]; a means [10, navigation system uses Global positioning system (GPS)] for providing position information; a means [13, route advisor] for determining route information [route plan] which receives a set of interval point [desired waypoints] requests [input] from a user [caller] and timing information [travel time] associated with corresponding interval point [street segment] request, and further wherein said route information is based on dynamic traffic condition [traffic and road condition data through traffic information interface] information received by system [col. 3, lines 16 – 63, col. 5, lines 5 – 28, col. 6, lines 49 - 64]. However, Golding does not teach about acceptance or rejection of proposed route by user. In summary, Golding does not disclose user to make selection for to accept or reject from proposed route.

Roeseler discloses a system and method for navigation with receiving a route planning request from user including a route destination; checking dynamic traffic and road condition data; determining planned route based on current position, traffic and road condition data and caller's input; and prompting the caller to confirm if planned route is acceptable, and if unacceptable, changing the planned route using caller's input [col. 3, lines 24 – 45, col. 8, lines 22 – 45, col. 9, lines 29 – 49, fig. 5].

It would have been an obvious to one of an ordinary skill in art at the time of invention to combine teachings of Golding and Roeseler because both are related to automobile navigation system with routing with dynamic traffic data and Roeseler's teaching of route plan sent for the

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caller's approval, and if it is not accepted the controller will recompute the route will provide flexibility to caller to enter a route amendment based on current location, existing traffic information [col. 9, lines 1 – 20].


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 703-305-3994. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nitin C. Patel
March 31, 2004



THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100